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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,487

03/28/2005

Shinichi Musha

8007-1090

7924

466 7590 10/30/2008

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Suite 500
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EXAMINER

ALEJANDRO, RAYMOND

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

10/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10529487	3/28/2005	MUSHA ET AL.	8007-1090

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EXAMINER

Raymond Alejandro

ART UNIT	PAPER
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DATE MAILED:

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Commissioner for Patents

The response to restriction/election of species (lack-of-unity) requirement filed on 10/20/08 electing Group I and Species B (claims 2, 4 and 5-7) and sub-species 1 (claim 8), and thus, claims 1-27 and 31 as readable thereon is NON-RESPONSIVE. In this respect, although applicants included the identification of the elected species, and the listing of claims readable upon applicant's elected species, it is noted that the such listing of claims appears to include other non-elected species. Thus, the election of species presenting only claims readable on and/or drawn to any of the mutually exclusive species indicated in the response has not been made properly. Otherwise stated, it is still believed that claims 1-27 and 31 are not readable on the single elected species and sub-species per se, therefore, claims 1-27 and 31 appear to read on several distinct species.

The examiner has carefully reviewed ALL the species and sub-species, the paragraphs and passages where they are disclosed/illustrated in the specification and the specification in general, and the examiner verily believes that claims 1-27 and 31 supposedly readable on the elected species and sub-species (as argued by the applicants) ALSO reads on other species. Thus, in order to clarify this issue, applicant is respectfully requested to present reasons as to why the subject matter of claims 1-27 and 31 ONLY reads on the elected species and sub-species (i.e. Species B and sub-species 1) and fully excludes the subject matter of the remaining species. If not, applicant is requested to re-elect only those claims which definitely reads on Species B and sub-species 1 (i.e. claims 2, 4 and 5-8) (if applicant still wants to prosecute such species). That is to say, applicants have an opportunity to provide convincing reasons to sustain their position and therefore, their claim grouping; otherwise a proper claim re-grouping strictly reading on the elected species is respectfully requested.

Yet further, in the event that applicant disagrees with the examiner's election of species (restriction requirement/lack of unity) as identified in the office action of 09/19/08, applicant is encouraged to present any other satisfactory claim grouping based upon either mutually exclusive embodiments or separate-distinct statutory inventions to fully address this examiner's request.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Raymond Alejandro/
Primary Examiner, Art Unit 1795